

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK**

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**M & T MORTGAGE CORPORATION,**

**Plaintiff,**

**-against-**

**CEDRIC D. MILLER and ELIZABETH MILLER,  
et al.,**

**Defendants and  
Third-Party Plaintiffs,**

**-against-**

**UNITED STATES DEPARTMENT OF HOUSING  
AND URBAN DEVELOPMENT, et al.,**

**Third-Party Defendants.**

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**GERSHON, United States District Judge:**

Third-party defendants Better Homes Depot, Inc. and Eric Fessler have filed objections to Magistrate Judge Go's order of August 17, 2007 granting the motion for sanctions brought by third-party plaintiffs Cedric and Elizabeth Miller based upon spoliation of evidence. The objections are without merit and the order is affirmed. Judge Go's order is neither clearly erroneous nor contrary to law. And the particular sanctions she has ordered are sensitively delimited and carefully crafted. Her order is affirmed and will govern further proceedings in this case.

**SO ORDERED.**

/s/  
**NINA GERSHON**  
**United States District Judge**

Dated: October 4, 2007  
Brooklyn, New York